

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February 18, 2005 and Interview Summary mailed March 11, 2005. At the time of the Office Action, Claims 1-23 were pending in this Application. Claims 1, 5, 8-13, 17 and 20-23 were rejected. Claims 2-4, 6, 7, 14-16, 18 and 19 were objected to. Claims 1-4, 6-8, 12, 13, 15, 16 and 18-20 have been amended to further define various features of Applicants' invention. Claim 14 has been cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Interview Summary

During a telephone conference on March 3, 2005, Applicants pointed out to the Examiner that a reference was inadvertently left out of Paragraph 3 of the Office Action mailed February 18, 2005, which should have been U.S. Patent 5,660,368 issued to De Matthaeis et al. Applicants appreciate and acknowledge receipt of an updated PTO-892 incorporating this reference.

Priority

Applicants appreciate Examiner's acknowledgement of Applicants claim for foreign priority based on an application filed in Germany July 2, 2001 and the PCT Office July 1, 2002. In accordance with 37 C.F.R. 1.55, Applicants intend to submit certified copies of the aforementioned priority applications upon receipt of favorable action in the present application and prior to payment of any issue fees.

Rejections under 35 U.S.C. § 102

Claims 1, 5, 8-13, 17, and 20-23 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by German Patent DE 100 15 268 A1 filed by Dirk Baranowski et al. ("Baranowski"). Applicants note that U.S. Patent 6,789,743 corresponds to German Patent DE 100 15 268 A1. For the purposes of these remarks, Applicants have utilized the text and description of the U.S. Patent.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully submit that the Baranowski reference cited as anticipatory by the Examiner cannot anticipate the rejected Claims, because Baranowski does not show all the elements of the present Claims. Independent Claim 1 recites a control module for a fuel injector that recites, among other limitations, "an inflow throttle connecting the high-pressure inflow and the central spare" and "an outflow throttle connecting the control spare and a control value."

Examiner cites to Baranowski as teaching "a control module 36." Applicants note that reference number 36 of Baranowski cited by Examiner as teaching a control module is actually directed to a "second guide hole element." Applicants submit that Baranowski fails to disclose a separate control module element that includes the recited features of the claimed embodiment. Instead, Baranowski utilizes a traditional housing 29 for the entire injector assembly. Accordingly, Applicants submit that Baranowski fails to disclose, teach or suggest each and every element of Independent Claim 1 and therefore cannot anticipate Independent Claim 1 or Claims 5 or 8-11 which depend therefrom.

Examiner cites to Matthaeis as anticipating, among other claims, Independent Claim 1. Matthaeis discloses a valve body head 56 with a supply conduit 62 and a drain conduit 63. However, Matthaeis fails to disclose, teach or suggest either an "inflow throttle connecting the higher pressure inflow and the control space" or "an outflow throttle connecting the control spare and a control valve." Because Matthaeis does not disclose, teach or suggest each and every limitation of the present disclosure, Matthaeis cannot anticipate Independent Claim 1, or Claims 5 and 8-11 which depend therefrom.

For at least these reasons, Applicants submit that the rejections unsupported by 35 U.S.C. §102(b) are unsupported. Applicants request reconsideration and full allowance of Claims 1, 5 and 8-11, amended.

Allowable Subject Matter

Applicants appreciates Examiner's consideration and indication that Claims 2-4, 6, 7, 14-16, 18 and 19 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicants have amended Claim 13 to include the limitations of Claim 14 which Applicants now cancel. Accordingly, Independent Claim 13 now reflects originally submitted elements that the Examiner has indicated to be allowable. Additionally, Applicants have amended Independent Claim 12 to include the limitations of Claim 14. Accordingly, Applicants respectfully request allowance of Claims 12-22.

Applicants submit that Claims 2-4, 6 and 8 depend from Claims that have been placed in condition for allowance. Applicants request reconsideration and full allowance of Claims 2-4, 6 and 8.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the claims as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2606.

Respectfully submitted,
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